

LUCIAN J. GRECO, JR., ESQ.
Nevada State Bar No. 10600
MELISSA INGLEBY, ESQ.
Nevada State Bar No. 12935
THUONG (Cindy) H. NGUYEN, ESQ.
Nevada State Bar No. 16436
BREMER WHYTE BROWN & O'MEARA LLP
1160 N. TOWN CENTER DRIVE
SUITE 250
LAS VEGAS, NV 89144
TELEPHONE: (702) 258-6665
FACSIMILE: (702) 258-6662
lgreco@bremerwhyte.com
mingleby@bremerwhyte.com
cnguyen@bremerwhyte.com

Attorneys for Defendant,
BISHOP HEATING & AIR CONDITIONING, INC.

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JAMES M. PHILLIPS, an individual; and
MARILYN MARIE LARSEN-
PHILLIPS, an individual,

Plaintiffs,

vs.

BISHOP HEATING & AIR
CONDITIONING, INC., a California
Corporation, DOES I through X,
inclusive, and ROE CORPORATIONS XI
through XX, inclusive,

Defendants.

Case No. 2:23-CV-01445-RDB-BNW

**STIPULATION AND ORDER TO
EXTEND DISCOVERY
DEADLINES (SECOND
REQUEST)**

IT IS HEREBY STIPULATED AND AGREED by and between Plaintiffs
JAMES M. PHILLIPS and MARILYN MARIE LARSEN-PHILLIPS ("Plaintiffs"),
by and through their attorneys of record, Jemma E. Dunn, Esq. and Karson D. Bright,
Esq. of Greenberg Gross, LLP, and Defendant, BISHOP HEATING & AIR
CONDITIONING, INC. ("Defendant"), by and through their attorney of record,
Lucian J. Greco, Jr, Esq., Melissa Ingleby, Esq., and Thuong (Cindy) H. Nguyen, Esq.
of Bremer, Whyte, Brown & O'Meara, LLP, (collectively, the "Parties"), and for good

1 cause shown that the discovery deadlines in the above-entitled matter be extended with
 2 thirty (30) days to allow for necessary expert discovery.

3 **I. DISCOVERY COMPLETED TO DATE**

4 Listed below is a statement specifying the discovery completed in this case:

- 5 1. Plaintiff's Initial List of Witnesses and Production of Documents made
 6 Pursuant to FRCP 26(a)(1).
- 7 2. Defendants' Initial List of Witnesses and Production of Documents made
 8 Pursuant to FRCP 26(a)(1).
- 9 3. Defendants' First Set of Interrogatories to Plaintiff James Phillips.
- 10 4. Defendants' First Request for Production of Documents to Plaintiff James
 11 Phillips.
- 12 5. Defendants' First Request for Admission to Plaintiff James Phillips.
- 13 6. Plaintiff's First Set of Interrogatories to Defendant, and Defendant's
 14 Responses to Plaintiff's First Set of Interrogatories to Defendant.
- 15 7. Plaintiff's First Request for Production of Documents to Defendant, and
 16 Defendant's Responses to Plaintiff's First Request for Production of
 17 Documents to Defendant.
- 18 8. Plaintiff's First Request for Admission to Defendant, and Defendant's
 19 Responses to Plaintiff's First Request for Admission to Defendant.
- 20 9. Plaintiff's First Supplemental List of Witnesses and Production of
 21 Documents made Pursuant to FRCP 26(a)(1).
- 22 10. Defendant issued Subpoenas for Plaintiff's medical records, and Valley
 23 Propane Company.

24 **II. DISCOVERY REMAINING TO BE COMPLETED**

25 The Parties plan to complete the following discovery:

- 26 1. Plaintiff's Responses to Defendant's First Set of Interrogatories to Plaintiff.
- 27 2. Plaintiff's Responses to Defendant's First Request for Production of
 28 Documents to Plaintiff.

3. Plaintiff's Responses to Defendant's First Request for Production of Documents to Plaintiff.
4. Supplement records with Plaintiff's recent and on-going treatment;
5. Rule 35 Examinations of Plaintiff James Phillips on January 29, 2024;
6. Parties' Initial Expert and Rebuttal Disclosures;
7. Depositions of Plaintiffs James Phillips and Marilyn Marie Larsen-Phillips;
8. Deposition of the FRCP 30(b)(6) representative of Defendant;
9. Depositions of percipient witnesses.
10. Depositions of the Plaintiff's treating physicians and/or retained experts.
11. Depositions of the Defendants' experts;
12. Supplemental FRCP 26 disclosures;
13. Additional written discovery and/or subpoena duces tecum of records from necessary providers;
14. Any additional discovery that is necessary as the Parties proceed through discovery.

III. REASONS WHY DISCOVERY WAS NOT COMPLETED WITHIN THE TIME SET BY DISCOVERY PLAN & GOOD CAUSE UNDER LR 26-3

This is the second request for an extension of discovery deadlines requested by the parties. The parties stipulate to extend expert deadlines in this case. Good cause is shown to extend the discovery deadlines as despite the Parties' diligence and good faith attempts to pursue discovery in preparation of their respective case, Plaintiff James Phillips' alleged injuries and on-going treatment necessitate two different Rule 35 Examinations. Plaintiff James Phillips resides in Fish Lake, Nevada, and Defendants' experts are located in Las Vegas and Reno. After extensive collaboration, the parties successfully scheduled Plaintiff's Examination for January 29, 2024 in Las Vega, Nevada. However, in the event the examination reveals additional information,

the Parties may require extra time to conduct further investigation. In addition, Defendants are still in the process of obtaining Plaintiff's medical records which are necessary prior to depositions and the initial expert disclosure deadline. As such, the deadlines cannot be reasonably met despite the diligence of the Parties. *See Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992).

The parties are actively engaging in discovery in this matter. Furthermore, the parties are acting in good faith in filing this Stipulation and without an intent to improperly delay the proceedings. Continuing the expert deadline will not prejudice any party or have a negative impact upon the judicial administration of this Honorable Court. Accordingly, the Parties are requesting a thirty (30) day extension to all remaining discovery deadlines.

IV. PROPOSED SCHEDULE FOR COMPLETING DISCOVERY

The Parties hereto, and for good cause described in this Stipulation, and in accord with Local Rule 6-1 and Local Rule 26-3, request this Honorable Court to adopt and approve this stipulated extension to the discovery plan, and continue the discovery deadlines as requested below:

Event:	Current Date:	Proposed Date:
Discovery Cutoff Date:	April 12, 2024	May 14, 2024
Expert Designations:	February 14, 2024	March 15, 2024
Rebuttal Designations:	March 15, 2024	April 14, 2024
Dispositive Motions:	May 13, 2024	June 13, 2024
Joint Pre-Trial Order:	June 12, 2024	July 13, 2024

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1 As set forth herein, this Stipulation is supported by good cause and is not for
2 purposes of delay.

3 The parties hereby stipulate to extend the remaining discovery deadlines
4 included in the discovery plan by thirty (30) days.

5 IT IS SO STIPULATED.

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7 DATED this 16th day of January 2024. DATED this 16th day of January 2024

8 **GREENBERG GROSS LLP**

**BREMER WHYTE BROWN &
O'MEARA**

9
10 /s/ Karson D. Bright.

11 **JEMMA E. DUNN, ESQ.**

Nevada Bar No. 16229

12 **KARSON D. BRIGHT, ESQ.**

Nevada Bar No. 14837

13 *Attorney for Plaintiffs*


14 **LUCIAN J. GRECO, JR., ESQ.**

Nevada State Bar No. 10600

15 **MELISSA INGLEBY, ESQ.**

Nevada Bar No. 12935

16 **THUONG (CINDY) H. NGUYEN, ESQ.**

Nevada Bar No. 16436

17 *Attorneys for Defendants*

ORDER

Based upon the stipulation of the parties hereto, and for good cause appearing:
IT IS HEREBY ORDERED that the discovery deadlines are extended as follows:

Event:	Deadline:
Discovery Cutoff Date:	May 14, 2024
Expert Designations:	March 15, 2024
Rebuttal Expert Designations:	April 14, 2024
Dispositive Motions:	June 13, 2024
Joint Pre-Trial Order:	July 13, 2024

IT IS SO ORDERED**DATED:** 5:28 pm, January 17, 2024


BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE

Respectfully submitted,

BREMER WHYTE BROWN & O'MEARA LLP

By: **LUCIAN J. GRECO, JR., ESQ.**

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Nevada Bar No. 16436

Attorneys for Defendant